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WWW.HIGH5GAMES.COM

HIGH 5 GAMES

Fax

To: MS. FRANCES HICKS

From: DANIEL MARKS

Fax: 571.273.8300

Pages: 10 + COVER-SHEET

Phone: 571.272.318

Date: March 29, 2007

Re: 10/666,560

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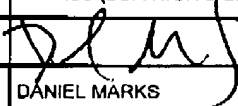
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/666,560	
	Filing Date	09/22/2003	
	First Named Inventor	DANIEL M. MARKS	
	Art Unit	3714	
	Examiner Name	RONALD LANEAU	
Total Number of Pages in This Submission	8/0	Attorney Docket Number	110293.134US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks RENEWED PETITION WITH ATTACHED SUPPLEMENTAL APPLICATION DATA FORM		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	PTT LLC (DBA HIGH 5 GAMES)	
Signature		
Printed name	DANIEL MARKS	
Date	MARCH 23, 2007	Reg. No.

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Applicant(s): MARKS, ET AL. Examiner: Ronald Laneau
Serial No.: 10/666,560 Art Unit: 3714
Filed: September 22, 2003
Title: METHOD OF PLAYING A SLOT MACHINE ("RE-SPIN & RE-PAY")

10 **RENEWED PETITION**

Honorable Commissioner for Patents

Alexandria, VA 22313

15 Sir or Madam:

In response to the Decision Dismissing Petitions Under 37 CFR 1.78(a)(3) and (a) (6), dated March 19, 2007, Applicants for the present application respectfully submit this renewed petition along with Supplemental Application Data Sheet.

20 Applicants submit the Supplemental Application Data Sheet to claim priority to US Non-Provisional Application No. 10/438,325 and US Provisional Application No. 60/380,325, which applications were not previously claimed. Applicant also includes the previous claim for priority to US Provisional Application No. 60/412,012.

Applicants state that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

25

Application No. 10/666,560

Art Unit: 3714

If there is any matter that would delay the acceptance of this renewed petition, please contact the undersigned at your earliest convenience.

Respectfully submitted,


Daniel M. Marks

Date: 3/23/07

10 HIGH 5 GAMES
1200 MacArthur Blvd
Mahwah, NJ 07430
Phone: (201) 825.1711
Fax: (201) 825.1611

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Supplemental Application Data Sheet[CHANGES TO ORIGINAL APPLICATION DATA SHEET ARE INDICATED WITH UNDERLINED TEXT.]

Attorney Docket Number: 110293.134 US1
Filing Date: 09/22/03
Application Number: 10/666,560
Title of Invention: METHOD OF PLAYING A SLOT MACHINE
("RE-SPIN & RE-PAY")

Applicant Information**Applicant 1**

Applicant Authority: INVENTOR
Given Name: DANIEL
Middle Name: MORDECAI
Family Name: MARKS

Residency Address of Applicant:

City: COLD SPRING

State/Province: NY

Country of Residence: USA

Citizenship under 37 CFR 1.41(b): USA

Mailing Address of Applicant:

Address 1: 1200 MACARTHUR BLVD

Address 2: SUITE 240

City: MAHWAH

State/Province: NJ

Postal Code: 07430

Country: USA

Supplemental Application Data Sheet:

Method Of Playing A Slot Machine ("Re-Spin & Re-Pay") -- Us Applicaton No. 10/666,650

Applicant 2

Applicant Authority: INVENTOR

Given Name: ANTHONY

Middle Name: MARK

Family Name: SINGER

*Residency Address of Applicant:*City: RAMSEY

State/Province: NJ

Country of Residence: USA

Citizenship under 37 CFR 1.41(b): USA

*Mailing Address of Applicant:*Address 1: 1200 MACARTHUR BLVDAddress 2: SUITE 240City: MAHWAHState/Province: NJPostal Code: 07430

Country: USA

Applicant 3

Applicant Authority: INVENTOR

Given Name: HOWARD

Middle Name: MITCHELL

Family Name: MARKS

*Residency Address of Applicant:*City: SCARSDALE

State/Province: NY

Country of Residence: USA

Citizenship under 37 CFR 1.41(b): USA

Supplemental Application Data Sheet:

Method Of Playing A Slot Machine ("Re-Spin & Re-Pay") -- Us Applicaton No. 10/666,650

Mailing Address of Applicant:

Address 1: 1200 MACARTHUR BLVD
Address 2: SUITE 240
City: MAHWAH
State/Province: NJ
Postal Code: 07430
Country: USA

Correspondence Information

Customer Number: 000061302
Email Address: DMARKS@H5G.COM

Application Information

Title of the Invention: METHOD OF PLAYING A SLOT MACHINE
("RE-SPIN & RE-PAY")
Attorney Docket Number: 110293.134 US1
Small Entity Status Claimed: NO
Application Type: NON-PROVISIONAL
Subject Matter: UTILITY
Suggested Class (if any):
Sub Class (if any):
Suggested Technology Center (if any):
Total Number of Drawing Sheets (if any):
Suggested Figure for Publication (if any):

Supplemental Application Data Sheet:

Method Of Playing A Slot Machine ("Re-Spin & Re-Pay") -- Us Applicaton No. 10/666,650

Representative Information

Customer Number: 61302

Domestic Priority Information

Application Number: THIS APPLICATION

Continuity Type: CONTINUATION-IN-PART

Prior Application Number: 10/438,325

Filing Date (YYYY-MM-DD): MAY 15, 2003

Application Number: 10/438,325

Continuity Type: NON-PROVISIONAL OF

Prior Application Number: 60/380,485

Filing Date (YYYY-MM-DD): MAY 15, 2002

Application Number: THIS APPLICATION

Continuity Type: NON-PROVISIONAL OF

Prior Application Number: 60/412,012

Filing Date (YYYY-MM-DD): SEPTEMBER 20, 2002

Assignee Information

Organization Name: PTT LLC DBA HIGH 5 GAMES

Address 1: 1200 MACARTHUR BLVD

Address 2: SUITE 240

City: MAHWAH

State/Province: NJ

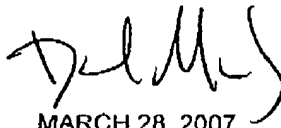
Supplemental Application Data Sheet:

Method Of Playing A Slot Machine ("Re-Spin & Re-Pay") – Us Applicaton No. 10/666,650

Country: USA
Postal Code: 07430
Phone Number: 201 825 1711
Fax Number: 201 825 1611
Email Address: DMARKS@H5G.COM

Signature::

Signature:



Date (YYYY-MM-DD):

MARCH 28, 2007

First Name:

DANIEL

Last Name:

MARKS

Registration Number:

N/A

Supplemental Application Data Sheet:

Method Of Playing A Slot Machine ("Re-Spin & Re-Pay") -- Us Application No. 10/666,650

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1200 MacARTHUR BOULEVARD
MAHWAH, NJ 07430

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of
Daniel M. Marks et al
Application No. 10/666,560
Filed: September 22, 2003
Attorney Docket No. 110293.134 US1DECISION DISMISSING PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petition treated under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed January 31, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications noted in the petition.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(iii) and 1.78(a)(5)(i) and 1.78(a)(5)(iii) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with items (1) and (3).

It appears that petitioner is seeking to claim priority to nonprovisional Application No. 10/438,325 and provisional Application No. 60/380,325, which applications were not previously claimed. However, the claim for benefit of priority as drafted is unacceptable and, therefore, is not considered a proper reference. In this regard, the claim for benefit of priority is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the

Application No. 10/666,560

Page 2

claim for priority) must commence on a separate physical sheet. The rule at 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office. It also appears that a previous claim for priority was made to provisional Application No. 60/412,012. Therefore, if petitioner still desires to claim priority to this prior-filed provisional application, the amendment should also include this application. The claim for priority may also be made in a signed Supplemental Application Data Sheet. See 37 CFR 1.76(b) and 37 CFR 1.33(b). *See Supp Data Sheet*

As to item (3) above, the statement of unintentional delay is unacceptable for two reasons. In this regard, the statement reads: "Applicants state that the entire delay between the date the claim was due under MPEP Appendix R §1.55(a)(1) and the date of this Petition was unintentional." As the rule at 37 CFR 1.55(a)(1) pertains to a claim for benefit of priority to a foreign application, this statement is incorrect. The statement should read: "The entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional." *See Amended/ Renewed Petition*

A renewed petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6), along with either a signed Supplemental Application Data Sheet or an amendment complying with the provisions of 37 CFR 1.121, must be submitted to correct the above matters.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218. *✓ faxed 3/28/07*

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions *OK - 08. Tracy*